

CHAPTER 124
DISCIPLINE FOR HEARING AID DISPENSERS

[Prior to 5/29/02, see 645—120.11(272C)]

645—124.1(272C) Grounds for discipline.

124.1(1) The board hereby adopts by reference the Code of Ethics of the International Hearing Society as published by the International Hearing Society, 20361 Middlebelt Road, Livonia, Michigan 48152, revised October 1996.

124.1(2) The board may impose any of the disciplinary sanctions set forth in rule 645—13.1(272C), including civil penalties in an amount not to exceed \$1000, when the board determines that a licensee is guilty of any of the following acts or offenses:

a. Willful or repeated violations of the provisions of Iowa Code chapter 154.
b. Violation of the rules promulgated by the board.
c. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of the profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

d. Fraud in representations as to skill or ability.

e. Personal disqualifications:

(1) Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

(2) Involuntary commitment for treatment of mental illness, drug addiction or alcoholism.

f. Practicing the profession while the license is suspended or lapsed.

g. Violating the terms of probation, settlement or decision and order.

h. Revocation, suspension, or other disciplinary action taken by a licensing authority of another state, territory, or country.

i. Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

j. Except in cases of selling replacement hearing aids of the same make or model within one year of the original sale, a hearing aid shall not be sold without adequate diagnostic testing and evaluation using established procedures. Instruments shall be calibrated to current standards at least annually or more often if necessary. The distributor shall keep with the instruments a certificate indicating the date of calibration. Established procedures mean use of pure tone air conduction and bone conduction and speech audiometry.

k. Prohibited acts consisting of the following:

(1) Permitting an unlicensed employee or person under the licensee's control to perform activities requiring a license.

(2) Permitting another person to use the licensee's license for any purpose.

(3) Practicing outside the scope of a license.

(4) Obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority; or selling, prescribing, giving away, or administering controlled substances.

(5) Verbally or physically abusing clients.

l. Unethical business practices, consisting of any of the following:

(1) Betrayal of a professional confidence.

(2) Falsifying clients' records.

(3) Advertising that hearing testing or hearing screening is for the purpose of detection or diagnosis of medical problems or medical screening for referral to a physician.

(4) Failure to place in an advertisement relating to hearing aids the hearing aid dispenser's name, office address, and telephone number.

- m.* Failure to report a change of name or address within 30 days after it occurs.
- n.* Submission of a false report of continuing education or failure to submit the biennial report of continuing education.
- o.* Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.
- p.* Failure to comply with a subpoena issued by the board.
- q.* Failure to report to the board as provided in 645—Chapter 9 any violation by another licensee of the reasons for the disciplinary action as listed in this rule.

This rule is intended to implement Iowa Code chapters 147, 154A and 272C.

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